

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IN RE: Johnson & Johnson Talcum Powder  
Products Marketing, Sales Practice and  
Products Liability Litigation

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3:16-md-2738-FLW-LHG

Honorable Freda L. Wolfson

*This Document Also Relates To:*

**Civil Action No. 3:17-cv-11783**

Mary Alice Nielson,

Plaintiff,

v.

JOHNSON & JOHNSON, et al.

Defendants.

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**NOTICE BY PLAINTIFF OF REVOCATION OF AUTOMATIC  
WAIVER OF *LEXECON* RIGHTS**

Plaintiff, Mary Alice Nielson, has been selected for inclusion in the “Selected Case” group as that term has been defined by the Court in its Order entered on May 15, 2020 (ECF 13317) (“Order”) and after that selection, was then selected on October 23, 2020 as an alternative “Discovery Pool” case as that term is defined by the Order.

Pursuant to Paragraph 3 of the Order, each Plaintiff in the Selected Case group is deemed to waive that Plaintiff’s rights under *Lexecon v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998), if that Plaintiff becomes one of the Discovery Pool Cases as defined in the Order, unless the Plaintiff files a statement with the Court stating that the Plaintiff does not wish to waive their *Lexcon* rights, within thirty (30) days from the date of selection as a Discovery Pool Case. The Order further provides that if the case is not selected as a Discovery Pool Case, the waiver will be deemed null and void.

In that Plaintiff has been selected as a Discovery Pool case, thereby causing an automatic waiver of Plaintiff's *Lexecon* rights subject to revocation, Plaintiff has hereby elected to revoke the automatic waiver of Plaintiff's rights under *Lexecon* pursuant to the right to do so under the terms of the Court's Order.

Plaintiff understands that by this revocation of the automatic waiver of *Lexecon* that the Order provided for, Plaintiff's case shall be removed from the Discovery Pool of cases, that discovery in the case will be stayed and that the case will not be eligible to be tried as a bellwether case in this MDL proceeding.

Dated: November 2, 2020

Respectfully submitted,

/s/ Carmen S. Scott

Carmen S. Scott

**MOTLEY RICE LLC**

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Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on November 2, 2020, I electronically filed the forgoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of records.

/s/ Carmen S. Scott

Carmen S. Scott